

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

DANNY HOGAN, #1673107,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:23-cv-336-JDK-JDL
	§	
DIRECTOR, TDCJ-CID, et al.,	§	
	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Danny Hogan, an inmate of the Texas Department of Criminal Justice (TDCJ) proceeding *pro se* and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983 alleging violations of his civil rights in prison. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On May 30, 2024, the Magistrate Judge entered a Report and Recommendation recommending that Defendant's motion to dismiss for failure to exhaust administrative remedies be granted and that this case be dismissed without prejudice. Docket No. 29. No timely objections were filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other

*grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 29) as the findings of this Court. The Defendant's motion to dismiss (Docket No. 27) is **GRANTED**, and this case is **DISMISSED** without prejudice for failure to exhaust administrative remedies. All pending motions are **DENIED** as **MOOT**.

So **ORDERED** and **SIGNED** this **5th** day of **July, 2024**.



JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE